

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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XIAOCHUN GAO,

Plaintiff,

v.

MOTION FOR TIME EXTENSION
TO FILE DOCUMENT

SAVOUR SICHUAN INC., et al,

Case No.: 19-cv-2515 (JPC)

Defendants.
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Hon. John P. Cronan,
U.S. District Judge
United States District Court – Southern District of New York
500 Pearl Street
New York, New York

The undersigned represented defendants Savour Sichuan Inc., and individuals Wei, Hong and Jie at the trial in this FLSA / NYLL matter in July 2023.

The Court directed us to submit proposed findings of fact and conclusions of law by this, the 15th of September, As of midnight, this day, I've been trying to file that, but have encountered technical difficulties, including loss of electronic files. First, my laptop, on which I kept many electronic files, crashed for some reason. I went to Apple and they had to reinstall the operating system, which deleted many files (I can request confirmation of this from them, if you require). I did recover some files from emails, and some from i-cloud. But not all files were backed up, including some files needed to substantiate the submission. I'm having to reconstruct my submission from my notes and handwritten outline. The case law was easily retrievable, but other than my handwritten draft(s), much of the work product was lost.

I received the trial transcripts at the end of August. There was a mistake in these transcripts because they were incorrectly captioned, with a date of 2022. I brought this up with plaintiff's counsel and the Court Reporter. I received a corrected copy a couple of days ago. Adding to this confluence, even this application was prevented by a loss of wi-fi signal until about an hour ago, because my erased computer didn't pick up previously programmed network.

I have to reconstruct my submission from notes regarding citations, dates, etc. I saw on my phone the ECF Notice of Electronic Filing earlier today by Troy Law, but have not read it.

I reached out to plaintiff's counsel earlier this evening and asked if they would object to my request. They have not answered one way or another. I suspect they will object.

For the above reasons, the defendants respectfully request the Court give them a reasonable time, of at least a couple of weeks to sort out these technical glitches and submit the defendants' proposed findings of fact and conclusions of law. The undersigned is beginning a trial on September 18, 2023, posing another imposition of time. Upon good cause, I pray the Court will grant my request an extension of time to file the said submission by Defendants.

Dated: Queens, New York
September 15, 2023

Respectfully,

/s/ Ricardo Morel
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